

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------|---|----------------------|
| LEROY JOSEY |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | C.A. No. 06-265 Erie |
| |) | |
| CHIEF SECRETARY JEFF BEARD, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on November 14, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's oral Report and Recommendation was entered on the record during a telephonic motion hearing held on December 18, 2006. It was the Magistrate Judge's recommendation that Plaintiff's motion [Doc. No. 5] for a temporary restraining order be denied. The parties were allowed ten (10) days in which to file objections. Plaintiff subsequently filed a document [Doc. No. 7] styled "Appeal Order to Show Cause and Temporary Restraining Order," which is in the nature of objections to the Magistrate Judge's oral Report and Recommendation. On January 10, 2007, Plaintiff filed a letter supplement to his objections [Doc. No. 9].

After de novo review of the Plaintiff's motion for temporary restraining order and the documents in the case, together with the Magistrate Judge's oral Report and Recommendation and Plaintiff's objections and the Defendants' response thereto, the following order is entered:

AND NOW, this 18th day of January, 2007, IT IS HEREBY ORDERED that the Plaintiff's Motion for Temporary Restraining Order [Doc. No. 5] is DENIED.

The oral Report and Recommendation of Magistrate Judge Baxter entered on December 18, 2006 is adopted as the opinion of this Court.

s/ Sean J. McLaughlin
United States District Judge

cm: all parties of record.nk